

Application No. 09/370,736
Amendment dated 07/01/2005
Reply to Office action dated 05/25/2005

Page 9

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Figs. 1, 1a, and 1b, replaces the original sheet. In Fig. 1, question marks as notations have been deleted.

Application No. 09/370,736
Amendment dated 07/01/2005
Reply to Office action dated 05/25/2005

Page 10

REMARKS

Claims 9-14 and 16-27 were pending in the application. Claim 20 was allowed. Claims 9-14, 16-19, 21-23, and 25 were rejected. Claims 24, 26, and 27 were objected to. Claims 1-8 were previously canceled. Claims 9, 10, 15-19, and 22 are canceled without prejudice to or disclaimer of the recited subject matter. Claims 11-14, 21, and 23-27 are amended. Claims 28-31 are added. Claims 11-14, 20, 21, and 23-31 are now pending in the application. Claims 14, 20, 24, and 26-28 are the independent claims. Reconsideration of the amended application is respectfully requested.

Initially, the undersigned thanks the Examiner for consenting to numerous informal interviews to discuss the status and claims of the present application.

The Examiner objected to the drawings because of a question mark pointing to one of the features of Fig. 1. A substitute drawing sheet is submitted herewith, in which the question mark has been removed. The objection to the drawing, therefore, should be withdrawn.

The examiner rejected claims 9-14 under 35 USC §112, second paragraph, as being indefinite. The elements of claim 10 that have been incorporated into claims 14 and 28 have been amended to recite a metal stud assembly in the preamble, and to positively recite elements of that assembly, rendering these claims definite. The rejection, therefore, should be withdrawn.

The examiner rejected claims 10 and 14 under 35 USC §102(b) as being anticipated by Kostecky; claim 16 as being anticipated by Goldsmith; and claim 19 as being anticipated by Satchell. The examiner also rejected claims 17 and 21 under 35

Application No. 09/370,736
Amendment dated 07/01/2005
Reply to Office action dated 05/25/2005

Page 11

USC §103(a) as being unpatentable over Goldsmith, in view of Smolik; claims 22 and 23 as being unpatentable over Goldsmith, in view of Satchell; and claims 18 and 25 as being unpatentable over Goldsmith, in view of Smolik and further in view of Satchell. The examiner also objected to claims 24, 26, and 27 as depending from a rejected base claim, but acknowledged that these claims would be allowable if rewritten in independent form, including all of the elements of the base claim and of any intervening claims. The examiner also acknowledged that claims 9 and 11-13 would be allowable if rewritten to overcome the rejection under 35 USC §112, and to include all of the elements of the base claim and of any intervening claims. In a subsequent telephone interview, the examiner asserted that claim 9 is actually rejected in view of cited prior art.

Claim 14 is rewritten in independent form, including all of the limitations of base claim 10 and parallel dependent claim 9, which are canceled. Claim 11 is amended to depend from claim 14. Claims 12 and 13 depend from claim 11. Therefore, it is submitted that claims 11-14 are allowable. The rejections of claims 11-14, therefore, should be withdrawn.

Claim 24 is rewritten in independent form, including all of the limitations of base claim 16 and intervening claim 22, which are canceled. Claims 21 and 23 are amended to depend from claim 24. Therefore, claims 21, 23, and 24 are allowable. The rejections of claims 21, 23, and 24, therefore, should be withdrawn.

Claim 26 is rewritten in independent form, including all of the limitations of base claim 17 and intervening claim 18, which are canceled. Claim 25 is amended to depend

Application No. 09/370,736
Amendment dated 07/01/2005
Reply to Office action dated 05/25/2005

Page 12

from claim 26. Therefore, claims 25 and 26 are allowable. The rejections of claims 25 and 26, therefore, should be withdrawn.

Claim 27 is rewritten in independent form, including all of the limitations of base claim 19, which is canceled. Therefore, claim 27 is allowable. The rejections of claim 27, therefore, should be withdrawn.

New independent claim 28 includes all the limitations of independent claim 10 and dependent claims 11, which the examiner acknowledged would be allowable if rewritten in independent form, as well as the limitations of claim 14, in view of a subsequent telephone interview with the examiner. Claims 29-31 recite the subject matter of claims 9, 12, and 13, respectively, and depend from claim 28. It is submitted that new claims 28-31 are allowable as well.

Based on the foregoing, it is submitted that all objections and rejections have been overcome. It is therefore requested that the Amendment be entered, the claims allowed, and the case passed to issue. If any outstanding issues remain, the Examiner is invited to contact the undersigned by telephone in order to expedite allowance of the application.

Respectfully submitted,

July 1, 2005

Date

TMC:hlp



Thomas M. Champagne
Registration No. 36,478
IP STRATEGIES
12 1/2 Wall Street
Suite I
Asheville, North Carolina 28801
828.253.8600
828.253.8620 fax

Application No. 09/370,736
Amendment

Page 14

Annotated Sheet Showing Changes

